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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA GA 30339-5948

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OFFICE OF PETITIONS

In re Application of :
Robert H. Shelton :
Application No. 09/025,279 : DECISION ON PETITION
Filed: 18 February, 1998 :
Atty Docket No. 050128-1010 :

This is a decision on the petition under 37 CFR 1.183, filed on 1 August, 2005, requesting waiver of the rules, for the application to be accorded a filing date of 17 February, 1998, rather than the presently accorded filing date of 18 February, 1998.

The petition is **DISMISSED**.

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

The petition is dismissed as untimely under 37 CFR 1.181(f). While the circumstances described by petitioner are unfortunate, petitioner has not shown why over five (5) years elapsed between the dismissal of the prior petition under 37 CFR 1.10(d) and the filing of a request for reconsideration. As the record suggests a lack of diligence, the petition is dismissed out of hand as untimely.

Any renewed petition must be accompanied by verified statements or declarations of fact from all persons having first-hand knowledge of the delay, setting forth the facts as they know them.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The revocation and power of attorney is accepted.

The application is being forwarded to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice Regarding Change of Power of Attorney
 Notice of Acceptance of Power of Attorney